

**United States District Court
District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:16-cv-00536-MMD-GWF**

Deutsche Bank National Trust Company v. Independence II
Homeowners' Association et al
Assigned to: Judge Miranda M. Du
Referred to: Magistrate Judge George Foley, Jr
Cause: 28:1332 Diversity-Injunctive & Declaratory Relief

Date Filed: 03/10/2016
Date Terminated: 03/18/2019
Jury Demand: None
Nature of Suit: 220 Real Property:
Foreclosure
Jurisdiction: Diversity

Plaintiff

Deutsche Bank National Trust Company
as trustee
on behalf of
Certificateholders of IMPAC Secured Assets
Corp, Mortgage Pass-Through Certificates,
Series 2007-1

represented by **Jamie K Combs**
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V.

Defendant

Independence II Homeowners' Association
TERMINATED: 10/24/2018

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TERMINATED: 06/20/2018

Defendant

SFR Investments Pool 1, LLC

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Defendant

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represented by **Chris Yergensen**
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Cross Claimant

SFR Investments Pool 1, LLC
[20] Cross Claim

represented by **Jacqueline A. Gilbert**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Karen L. Hanks

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Diana S. Cline

(See above for address)

ATTORNEY TO BE NOTICED

V.

Cross Defendant

Carolina Ospina Medina

[20] Cross Claim

TERMINATED: 07/14/2016

Counter Claimant

SFR Investments Pool 1, LLC
[20] Counterclaim

represented by **Jacqueline A. Gilbert**
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ATTORNEY TO BE NOTICED

V.

Counter Defendant

Deutsche Bank National Trust Company
as trustee; [20] Counterclaim

represented by **Miles N Clark**
(See above for address)
TERMINATED: 05/17/2017
LEAD ATTORNEY

Rebekkah B Bodoff

(See above for address)

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ATTORNEY TO BE NOTICED**Jamie K Combs**

(See above for address)

*ATTORNEY TO BE NOTICED***Tenesa S Powell**

(See above for address)

*ATTORNEY TO BE NOTICED***Melanie D Morgan**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/10/2016	1	COMPLAINT against Independence II Homeowners' Association, Nevada Association Services, Inc., SFR Investments Pool 1, LLC (Filing fee \$400 receipt number 0978-4032454), filed by Deutsche Bank National Trust Company. Certificate of Interested Parties due by 3/20/2016. Proof of service due by 7/8/2016. (Attachments: # 1 Summons, # 2 Summons, # 3 Summons, # 4 Civil Cover Sheet) (Morgan, Melanie) (Entered: 03/10/2016)
03/10/2016	2	NOTICE of Lis Pendens; filed by Plaintiff Deutsche Bank National Trust Company. (Morgan, Melanie) (Entered: 03/10/2016)
03/10/2016	3	CERTIFICATE of Interested Parties filed by Deutsche Bank National Trust Company that identifies all parties that have an interest in the outcome of this case. Corporate Parent Deutsche Bank AG, Other Affiliate Deutsche Bank Holdings, Inc., Other Affiliate Deutsche Bank Trust Corporation, Other Affiliate Taunas Corporation for Deutsche Bank National Trust Company as Trustee for the Certificateholders of IMPAC Secured Assets Corp, Mortgage Pass-Through Certificates, Series 2007-1 added. . (Morgan, Melanie) (Entered: 03/10/2016)
03/10/2016		Case assigned to Judge Miranda M. Du and Magistrate Judge Cam Ferenbach. (MMM) (Entered: 03/10/2016)
03/10/2016	4	Summons Issued as to Independence II Homeowners' Association, Nevada Association Services, Inc., SFR Investments Pool 1, LLC. (MMM) (Entered: 03/10/2016)
03/11/2016	5	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 3/11/2016. By Deputy Clerk: Peggy Vannozzi. This case has been assigned to the Honorable Miranda M. Du. Judge Du's Civil Standing Order is posted on the U.S. District Court, District of Nevada public website and may be accessed directly via this hyperlink: www.nvd.uscourts.gov (no image attached) (Copies have been distributed pursuant to the NEF - PAV) (Entered: 03/11/2016)
03/28/2016	6	SUMMONS Returned Executed by Deutsche Bank National Trust Company re 1 Complaint,. Nevada Association Services, Inc. served on 3/11/2016, answer due 4/1/2016. (Morgan, Melanie) (Entered: 03/28/2016)
03/29/2016	7	SUMMONS Returned Executed by Deutsche Bank National Trust Company re 1 Complaint,. Independence II Homeowners' Association served on 3/11/2016, answer due

		4/1/2016. (Morgan, Melanie) (Entered: 03/29/2016)
03/31/2016	8	MOTION for Demand for Security of Costs <i>Pursuant to NRS 18.130(1)</i> by Defendant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 03/31/2016)
04/06/2016	9	CERTIFICATE of Interested Parties filed by SFR Investments Pool 1, LLC that identifies all parties that have an interest in the outcome of this case. Corporate Parent SFR Investments, LLC for SFR Investments Pool 1, LLC added. . (Cline Ebron, Diana) (Entered: 04/06/2016)
04/12/2016	10	STIPULATION FOR EXTENSION OF TIME (First Request) by Defendant Nevada Association Services, Inc.. (Yergensen, Christopher) (Entered: 04/12/2016)
04/12/2016	11	ORDER approving 10 Stipulation re 1 Complaint. Nevada Association Services Inc answer due 4/29/2016. Signed by Magistrate Judge Cam Ferenbach on 4/12/2016. (Copies have been distributed pursuant to the NEF - KR) (Entered: 04/12/2016)
04/13/2016	12	STIPULATION FOR EXTENSION OF TIME (First Request) re 1 Complaint, ; <i>to File Responsive Pleading</i> by Defendant Independence II Homeowners' Association. (Larsen, Robert) (Entered: 04/13/2016)
04/14/2016	13	SUMMONS Returned Executed by Deutsche Bank National Trust Company re 1 Complaint,. SFR Investments Pool 1, LLC served on 3/11/2016, answer due 4/1/2016. (Morgan, Melanie) (Entered: 04/14/2016)
04/14/2016	14	ORDER ON STIPULATION re 12 STIPULATION FOR EXTENSION OF TIME (First Request) re 1 Complaint. Deutsche Bank National Trust Company answer/responsive pleading due 5/18/2016. Signed by Magistrate Judge Cam Ferenbach on 4/14/16. (Copies have been distributed pursuant to the NEF - JC) (Entered: 04/14/2016)
04/27/2016	15	ORDER granting 8 Motion for Demand for Security of Costs. Plaintiff is to satisfy the cost bond requirement of NRS 18.131(1). Signed by Judge Miranda M. Du on 4/26/2016. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 04/27/2016)
05/10/2016	16	CERTIFICATE of Cash Deposit as to Deutsche Bank: \$500, receipt number NVLAS-42221. (JC) (Entered: 05/10/2016)
05/13/2016	17	STIPULATION FOR EXTENSION OF TIME (Second Request) re 1 Complaint, ; by Defendant Nevada Association Services, Inc.. (Yergensen, Christopher) (Entered: 05/13/2016)
05/16/2016	18	ORDER approving ECF No. 17 Stipulation re ECF No. 1 Complaint. Nevada Association Services Inc answer due 6/1/2016. Signed by Magistrate Judge Cam Ferenbach on 5/16/2016. (Copies have been distributed pursuant to the NEF - KR) (Main Document 18 replaced on 5/16/2016; NEF regenerated) (KR). (Entered: 05/16/2016)
05/17/2016	19	MOTION to Dismiss <i>Claims Against Independence II Homeowners Association</i> by Defendant Independence II Homeowners' Association. Responses due by 6/3/2016. (Attachments: # 1 Exhibit NRED Complaint, # 2 Exhibit NRED Response)(Larsen, Robert) (Entered: 05/17/2016)
05/25/2016	20	ANSWER to 1 Complaint, (, Discovery Plan/Scheduling Order due by 7/9/2016.), CROSSCLAIM against Carolina Ospina Medina, COUNTERCLAIM against Deutsche Bank National Trust Company filed by SFR Investments Pool 1, LLC.(Cline Ebron, Diana) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 05/25/2016)

06/01/2016	21	ANSWER to 1 Complaint, filed by Nevada Association Services, Inc..(Yergensen, Christopher) (Entered: 06/01/2016)
06/03/2016	22	RESPONSE to 19 Motion to Dismiss,, filed by Plaintiff Deutsche Bank National Trust Company. Replies due by 6/13/2016. (Clark, Miles) (Entered: 06/03/2016)
06/03/2016	23	RESPONSE to 19 Motion to Dismiss,, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 6/13/2016. (Gilbert, Jacqueline) (Entered: 06/03/2016)
06/07/2016	24	PROPOSED SUMMONS to be issued <i>as to Carolina Ospina Medina</i> , filed by Cross Claimant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 06/07/2016)
06/07/2016	25	NOTICE of Lis Pendens by Counter Claimant SFR Investments Pool 1, LLC. (Gilbert, Jacqueline) (Entered: 06/07/2016)
06/07/2016	26	Summons Issued as to Carolina Ospina Medina. (JM) (Entered: 06/07/2016)
06/15/2016	27	CERTIFICATE of Interested Parties filed by Nevada Association Services, Inc. that identifies all parties that have an interest in the outcome of this case. Corporate Parent RockTower Capital, Inc., a Nevada corporation, Other Affiliate Jeff Finn, Other Affiliate Lawrence Selevan, Other Affiliate Kenn Davin, Other Affiliate Kathryn Kaplan, Other Affiliate David Groelinger, Other Affiliate Brian Kaplan, Other Affiliate Shawn Campbell, Other Affiliate Josh Egert, Other Affiliate Joel Just, Other Affiliate Lee Bowden, Other Affiliate Stanley Browne, Other Affiliate Jay Parker for Nevada Association Services, Inc. added. . (Yergensen, Christopher) (Entered: 06/15/2016)
06/20/2016	28	MOTION for Demand for Security of Costs by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. (Clark, Miles) (Entered: 06/20/2016)
06/20/2016	29	ANSWER to 20 Answer to Complaint,,, Crossclaim,,, Counterclaim,, filed by Deutsche Bank National Trust Company, Deutsche Bank National Trust Company.(Clark, Miles) (Entered: 06/20/2016)
06/21/2016	30	ORDER granting 28 Motion for Demand for Security of Costs. Defendant/Counter Plaintiff SFR is to satisfy the cost bond requirement of NRS 18.130(1). Signed by Judge Miranda M. Du on 6/20/2016. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 06/21/2016)
06/23/2016	31	OBJECTIONS re LR IB 3-1 or MOTION for District Judge to Reconsider Order re 30 Order on Motion for Demand for Security of Costs, by Defendant SFR Investments Pool 1, LLC. Responses due by 7/10/2016. (Attachments: # 1 Exhibit A)(Cline Ebron, Diana) (Entered: 06/23/2016)
06/23/2016	32	MOTION to Strike 28 Motion for Demand for Security of Costs by Defendant SFR Investments Pool 1, LLC. Responses due by 7/10/2016. (Attachments: # 1 Exhibit A) (Cline Ebron, Diana) (Entered: 06/23/2016)
06/29/2016	33	NOTICE of Change of Address by Jon M Ludwig. (Ludwig, Jon) (Entered: 06/29/2016)
07/08/2016	34	REPLY to 28 Motion for Demand for Security of Costs, 32 Motion to Strike ; filed by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. (Clark, Miles) (Entered: 07/08/2016)
07/12/2016	35	STIPULATION of Dismissal <i>as to Carolina Ospina Medina</i> by Cross Claimant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 07/12/2016)
07/14/2016	36	ORDER Granting 35 Stipulation and Order Dismissing Carolina Ospina Medina without prejudice. Signed by Judge Miranda M. Du on 7/14/2016. (Copies have been distributed

		pursuant to the NEF - DL) (Entered: 07/15/2016)
07/16/2016	37	REPLY to Response to 31 Objections re LR IB 3-1 or Motion for District Judge to Reconsider Order, 32 Motion to Strike filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Attachments: # 1 Exhibit SFR's Business Entity Information)(Cline Ebron, Diana) (Entered: 07/16/2016)
07/27/2016	38	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company . (Clark, Miles) (Entered: 07/27/2016)
07/29/2016	39	SCHEUDLING ORDER re ECF No. 38 Proposed Discovery Plan/Scheduling Order. Discovery due by 9/27/2016. Motions due by 10/27/2016. Proposed Joint Pretrial Order due by 11/25/2016. Signed by Magistrate Judge Cam Ferenbach on 7/29/16. (Copies have been distributed pursuant to the NEF - JC) (Entered: 07/29/2016)
07/29/2016	40	<p>NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - www.nvd.uscourts.gov. AO 85 Consent forms should NOT be electronically filed. Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)</p> <p>NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - www.nvd.uscourts.gov. If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take three (3) days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2). (no image attached) (JC) (Entered: 07/29/2016)</p>
08/02/2016	41	Joint STATUS REPORT by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. (Bodoff, Rebekkah) (Entered: 08/02/2016)
08/05/2016	42	STIPULATION FOR EXTENSION OF TIME (First Request) by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 08/05/2016)
08/08/2016	43	SCHEUDLING ORDER approving ECF No. 42 Stipulation re Discovery Matters. Discovery due by 11/28/2016. Motions due by 12/28/2016. Proposed Joint Pretrial Order due by 1/27/2017. Signed by Magistrate Judge Cam Ferenbach on 8/8/16. (Copies have been distributed pursuant to the NEF - JC) (Entered: 08/08/2016)
08/19/2016	44	ORDER Staying Case Pending Issuance of Mandate in <i>Bourne Valley Court Trust v. Wells Fargo Bank</i> and Denying Pending Motions without Prejudice. Signed by Judge Miranda M. Du on 8/19/2016. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 08/19/2016)
01/19/2017	45	ORDER lifting temporary stay. Pending motions that were denied without prejudice when the stay was imposed may be refiled within 30 days. Signed by Judge Miranda M. Du on 1/19/2017. (Copies have been distributed pursuant to the NEF - KR) (Entered: 01/19/2017)

02/03/2017	46	MOTION to Lift Stay by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. (Scaturro, Tenesa) (Entered: 02/03/2017)
02/17/2017	47	MOTION for Partial Summary Judgment by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Responses due by 3/10/2017. (Cline Ebron, Diana) (Entered: 02/17/2017)
02/17/2017	48	RESPONSE to 46 Motion to Lift Stay, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 2/24/2017. (Attachments: # 1 Exhibit)(Cline Ebron, Diana) (Entered: 02/17/2017)
02/17/2017	49	Counter MOTION to Stay re 46 Motion to Lift Stay, 48 Response to Motion, by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Attachments: # 1 Exhibit)(Cline Ebron, Diana) (Entered: 02/17/2017)
02/17/2017	50	NOTICE of Corrected Image/Document re 49 Motion to Stay, by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Service of corrected image is attached). (Cline Ebron, Diana) (Entered: 02/17/2017)
02/21/2017	51	MOTION to Dismiss <i>Claims Against Independence II Homeowners Association</i> by Defendant Independence II Homeowners' Association. Responses due by 3/7/2017. (Ludwig, Jon) (Entered: 02/21/2017)
02/24/2017	52	REPLY to Response to 46 Motion to Lift Stay filed by Plaintiff Deutsche Bank National Trust Company. (Scaturro, Tenesa) (Entered: 02/24/2017)
02/24/2017	53	RESPONSE to 50 Notice of Corrected Image/Document,, <i>SFR Investment Pool 1, LLC's Motion to Stay all Proceedings</i> filed by Plaintiff Deutsche Bank National Trust Company. (Scaturro, Tenesa) Modified on 2/27/2017 link added. (BLG). (Entered: 02/24/2017)
02/27/2017	54	RESPONSE to 51 Motion to Dismiss, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 3/6/2017. (Gilbert, Jacqueline) (Entered: 02/27/2017)
03/03/2017	55	REPLY to Response to 49 Motion to Stay, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>Reply in Support of SFR Investments Pool 1, LLC's Counter Motion to Stay All Proceedings, or, in the Alternative, to Allow Case to Proceed Without Restriction</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Cline Ebron, Diana) (Entered: 03/03/2017)
03/07/2017	56	STIPULATION FOR EXTENSION OF TIME (First Request) re 51 Motion to Dismiss ; by Plaintiff Deutsche Bank National Trust Company. (Scaturro, Tenesa) (Entered: 03/07/2017)
03/08/2017	57	ORDER approving ECF No. 56 Stipulation to Extend Deutsche Bank's Deadline to Respond to Independence II Homeowners' Association's Renew Motion to Dismiss ECF No. 51 . Response due by 3/21/2017 . Signed by Judge Miranda M. Du on 03/07/2017. (Copies have been distributed pursuant to the NEF - KW) (Entered: 03/08/2017)
03/09/2017	58	STIPULATION FOR EXTENSION OF TIME (First Request) to <i>Stay Litigation Pending Final Resolution of Petition(s) for Writ of Certiorari to United States Supreme Court or, in the alternative, Pending Relief from Stay in the Bankruptcy Court</i> by Plaintiff Deutsche Bank National Trust Company. (Scaturro, Tenesa) (Entered: 03/09/2017)

03/10/2017	59	ORDER approving ECF No. 58 Stipulation to Stay Litigation Pending Final Resolution of Petition(s) for Writ of Certiorari to United States Supreme Court or, in the alternative, Pending Relief from Stay in the Bankruptcy Court. Signed by Judge Miranda M. Du on 3/9/2017. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 03/10/2017)
03/10/2017	60	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 3/10/2017. By Deputy Clerk: Peggie Vannozzi. In light of the stay entered in this matter by ECF No. 59 , it is ordered that Plaintiff's Motion to Lift Stay (ECF No. 46 , SFR Defendants' Motion for Partial Summary Judgment (ECF No. 47), SFR Defendants' Countermotion to Stay (ECF No. 49 , Defendants Independence II Homeowners Association's Motion to Dismiss (ECF No. 51) are denied with leave to refile within 10 days after the stay is lifted. (Copies have been distributed pursuant to the NEF - PAV) (Entered: 03/10/2017)
03/28/2017	61	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Cam Ferenbach, on 3/28/2017. With good cause appearing, the Honorable Magistrate Judge Cam Ferenbach recuses himself/herself in this action. This action is referred to the Clerk for random reassignment of this case for all further proceedings. (Copies have been distributed pursuant to the NEF - KR) (Entered: 03/28/2017)
03/28/2017	62	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Gloria M. Navarro, on 3/28/2017. IT IS ORDERED that this case is reassigned to Magistrate Judge George Foley, Jr. for all further pretrial proceedings within his jurisdiction. Magistrate Judge Cam Ferenbach no longer assigned to case. All further documents must bear the correct case number 2:16-cv-00536-MMD-GWF. (no image attached) (Copies have been distributed pursuant to the NEF - BLG) (Entered: 03/28/2017)
05/16/2017	63	MOTION to remove attorney(s) Miles N. Clark from the Electronic Service List in this case, by Plaintiff Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 05/16/2017)
05/17/2017	64	ORDER granting ECF No. 63 Motion to Remove Attorney Miles N. Clark from Electronic Service List. Signed by Magistrate Judge George Foley, Jr on 05/17/2017. (Copies have been distributed pursuant to the NEF - KW) (Entered: 05/17/2017)
07/21/2017	65	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du, on 7/21/2017. By Deputy Clerk: Peggie Vannozzi. In light of the U.S. Supreme Court's denial of the petition for writ of certiorari in <i>Bourne Valley Court Trust v. Wells Fargo Bank, N.A.</i> on June 26, 2017, it ordered that the stay is lifted. (no image attached) (Copies have been distributed pursuant to the NEF - PAV) (Entered: 07/21/2017)
07/31/2017	66	MOTION for Partial Summary Judgment <i>SFR Investments Pool 1, LLC's Renewed Motion for Partial Summary Judgment Regarding a Pure Issue of Law: Application of the Return Doctrine Post-Bourne Valley</i> by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Responses due by 8/21/2017. (Cline Ebron, Diana) (Entered: 07/31/2017)
08/02/2017	67	MOTION for Partial Summary Judgment by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust Company. Responses due by 8/23/2017. (Attachments: # 1 Exhibit A- Deed of Trust, # 2 Exhibit B- Assignment of Deed of Trust, # 3 Exhibit C- Notice of Delinquent Assessment Lien, # 4 Exhibit D- Notice of Default, # 5 Exhibit E- Notice of Foreclosure Sale, # 6 Exhibit F- Foreclosure Deed)(Combs, Jamie) (Entered: 08/02/2017)
08/02/2017	68	MOTION to Stay re 67 Motion for Partial Summary Judgment, by Plaintiff Deutsche Bank National Trust Company, Counter Defendant Deutsche Bank National Trust

		Company. (Combs, Jamie) (Entered: 08/02/2017)
08/16/2017	69	RESPONSE to 68 Motion to Stay, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>SFR Investments Pool 1, LLC's Opposition to Plaintiff's Motion to Stay Discovery Pending Resolution of Plaintiff's Motion for Summary Judgment and Counter-Motion to Stay All Proceedings, or in the alternative, to Allow Case to Proceed Without Restriction</i> Replies due by 8/23/2017. (Cline Ebron, Diana) (Entered: 08/16/2017)
08/16/2017	70	Counter MOTION to Stay re 68 Motion to Stay <i>SFR Investments Pool 1, LLC's Opposition to Plaintiff's Motion to Stay Discovery Pending Resolution of Plaintiff's Motion for Summary Judgment and Counter-Motion to Stay All Proceedings, or in the alternative, to Allow Case to Proceed Without Restriction</i> by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Cline Ebron, Diana) (Entered: 08/16/2017)
08/18/2017	71	RESPONSE to 66 Motion for Partial Summary Judgment,, filed by Plaintiff Deutsche Bank National Trust Company. Replies due by 9/1/2017. (Attachments: # 1 Exhibit 1) (Combs, Jamie) (Entered: 08/18/2017)
08/23/2017	72	REPLY to Response to 68 Motion to Stay filed by Plaintiff Deutsche Bank National Trust Company. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Combs, Jamie) (Entered: 08/23/2017)
08/23/2017	73	RESPONSE to BRIEF re 70 Response to Motion,, ; filed by Plaintiff Deutsche Bank National Trust Company. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Combs, Jamie) <i>Modified on 8/23/2017 event & link correction.</i> (BLG). (Entered: 08/23/2017)
08/23/2017	74	STIPULATION FOR EXTENSION OF TIME (First Request) re 67 Motion for Partial Summary Judgment, ; <i>Joint Stipulation to Extend Time to Respond to Plaintiff's Motion for Partial Summary Judgment</i> by Defendant Independence II Homeowners' Association. (Larsen, Robert) (Entered: 08/23/2017)
08/23/2017	75	NOTICE of Appearance by attorney Robert S. Larsen on behalf of Defendant Independence II Homeowners' Association. (Larsen, Robert) (Entered: 08/23/2017)
08/23/2017	76	NOTICE of <i>Disassociation</i> by Independence II Homeowners' Association. (Larsen, Robert) (Entered: 08/23/2017)
08/23/2017	77	RESPONSE to 67 Motion for Partial Summary Judgment,, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>SFR Investments Pool 1, LLC's Response to Deutsche Bank National Trust Company's Motion for Partial Summary Judgment [ECF No. 67]; and Countermotion for Relief Under Fed. R. Civ. P. 56(d)</i> Replies due by 9/6/2017. (Attachments: # 1 Exhibit 1, # 2 Exhibit 1-A)(Cline Ebron, Diana) (Entered: 08/23/2017)
08/23/2017	78	Second MOTION to Dismiss <i>Claims against Independence II Homeowners Association</i> re 1 Complaint, by Defendant Independence II Homeowners' Association. Responses due by 9/6/2017. (Wise, Rachel) (Entered: 08/23/2017)
08/23/2017	79	Counter MOTION re 67 Motion for Partial Summary Judgment, <i>SFR Investments Pool 1, LLC's Response to Deutsche Bank National Trust Company's Motion for Partial Summary Judgment [ECF No. 67]; and Countermotion for Relief Under Fed. R. Civ. P. 56(d)</i> by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Responses due by 9/6/2017. (Attachments: # 1 Exhibit 1, # 2 Exhibit 1-A)(Cline Ebron, Diana) (Entered: 08/23/2017)

08/25/2017	80	ORDER granting ECF No. 74 Stipulation to Extend Time to Respond to ECF No. 67 Plaintiff's Motion for Partial Summary Judgment. Response due by 9/6/2017 . Signed by Judge Miranda M. Du on 08/24/2017. (Copies have been distributed pursuant to the NEF - KW) (Entered: 08/25/2017)
08/30/2017	81	REPLY to Response to 70 Motion to Stay, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>Reply in Support of SFR Investments Pool 1, LLC's Counter Motion to Stay All Proceedings, or, in the alternative, to Allow Case to Proceed without Restriction [ECF No. 70]</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Cline Ebron, Diana) (Entered: 08/30/2017)
09/01/2017	82	REPLY to Response to 66 Motion for Partial Summary Judgment, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>SFR Investments Pool 1, LLC's Reply in Support of Renewed Motion for Partial Summary Judgment Regarding a Pure Issue of Law: Application of the Return Doctrine Post-Bourne Valley [ECF No. 66]</i> (Attachments: # 1 Exhibit 1 - Declaration of Diana Cline Ebron, # 2 Exhibit 1- A Deutsche Bank's First Supplemental Initial Disclosures)(Cline Ebron, Diana) (Entered: 09/01/2017)
09/06/2017	83	REPLY to Response to 67 Motion for Partial Summary Judgment, filed by Plaintiff Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 09/06/2017)
09/06/2017	84	RESPONSE to 67 Motion for Partial Summary Judgment,, filed by Defendant Independence II Homeowners' Association. Replies due by 9/20/2017. (Wise, Rachel) (Entered: 09/06/2017)
09/06/2017	85	ORDERED that Plaintiff's Motion for Partial Stay Pending Ruling on Motion for Partial Summary Judgment (ECF No. 68) is denied . Defendant SFR Investments Pool 1's Counter-Motion to Stay (ECF No. 70) is granted . All proceedings in this case are stayed pending the Nevada Supreme Court's ruling on the certified question posed in <i>The Bank of New York Mellon v. Star Hill Homeowners Association, et al.</i> , Case No. 2:16-cv-02561-RFB-PAL, ECF No. 41. Signed by Magistrate Judge George Foley, Jr on 9/6/2017. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 09/06/2017)
09/06/2017	86	RESPONSE to 78 Motion to Dismiss, filed by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. <i>SFR Investments Pool 1, LLC's Limited Response to Second Renewed Motion to Dismiss Claims Against Independence II Homeowners Association [ECF No. 78]</i> Replies due by 9/13/2017. (Cline Ebron, Diana) (Entered: 09/06/2017)
09/13/2017	87	RESPONSE to 79 Motion,,, filed by Plaintiff Deutsche Bank National Trust Company. Replies due by 9/20/2017. (Combs, Jamie) (Entered: 09/13/2017)
12/01/2017	88	NOTICE Of Change Of Address by Deutsche Bank National Trust Company, Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 12/01/2017)
01/04/2018	89	ORDER that the entirety of this action is stayed pending resolution of the certified question in Nev. S. Ct. Case No. 72931; parties to file a status report within 5 days from such resolution; ECF Nos. 67 Motion for Partial Summary Judgment, 78 Motion to Dismiss and 79 Motion are denied without prejudice and may be refiled within 30 days from the date the stay is lifted; ECF No. 66 Motion for Partial Summary Judgment is denied. Signed by Judge Miranda M. Du on 1/4/2018. (Copies have been distributed pursuant to the NEF - KW) (Entered: 01/04/2018)
05/02/2018	90	MINUTE ORDER IN CHAMBERS of the Honorable Judge Miranda M. Du on 5/2/2018.

		<p>Please take notice that Judge Du has made changes to her Civil Standing Order. The most current Civil Standing Order is posted on the U.S. District Court, District of Nevada public website and may be accessed directly via this hyperlink:</p> <p>www.nvd.uscourts.gov</p> <p>(no image attached) (Copies have been distributed pursuant to the NEF - PAV) (Entered: 05/02/2018)</p>
06/19/2018	91	MOTION For Removal of Rachel L. Wise from Service List by Defendant Independence II Homeowners' Association. Responses due by 7/3/2018. (Wise, Rachel) (Entered: 06/19/2018)
06/20/2018	92	ORDER granting ECF No. 91 Motion to Remove Counsel from Service List. Attorney Rachel L. Wise removed. Signed by Magistrate Judge George Foley, Jr on 6/20/2018. (Copies have been distributed pursuant to the NEF - KW) (Entered: 06/20/2018)
08/07/2018	93	NOTICE of Appearance by attorney Lynne McChrystal on behalf of Defendant Independence II Homeowners' Association. (McChrystal, Lynne) (Entered: 08/07/2018)
08/07/2018	94	Joint STATUS REPORT by Plaintiff Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 08/07/2018)
08/09/2018	95	ORDER LIFTING STAY OF CASE. The Court has reviewed the Status Report (ECF No. 94) submitted by the parties as ordered in the order staying case (ECF No. 85). The stay is lifted. Signed by Judge Miranda M. Du on 8/9/2018. (no image attached) (Copies have been distributed pursuant to the NEF - PAV) (Entered: 08/09/2018)
08/24/2018	96	MOTION (Renewed) to Dismiss by Defendant Independence II Homeowners' Association. Responses due by 9/7/2018. (McChrystal, Lynne) Modified on 8/27/2018 text added. (BLG). (Entered: 08/24/2018)
09/05/2018	97	PROPOSED Discovery Plan/Scheduling Order by Plaintiff Deutsche Bank National Trust Company <i>[Special Scheduling Review Requested]</i> (Combs, Jamie) (Entered: 09/05/2018)
09/06/2018	98	SCHEDULING ORDER pursuant to ECF No. 97 Proposed Discovery Plan/Scheduling Order. Discovery due by 12/7/2018 . Dispositive Motions due by 1/7/2019 . Proposed Joint Pretrial Order due by 2/6/2019 . Signed by Magistrate Judge George Foley, Jr on 9/6/2018. (Copies have been distributed pursuant to the NEF - KW) (Entered: 09/06/2018)
09/06/2018	99	<p>NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website - www.nvd.uscourts.gov. AO 85 Consent forms should NOT be electronically filed. Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.)</p> <p>NOTICE OF GENERAL ORDER 2013-1 AND OPPORTUNITY FOR EXPEDITED TRIAL SETTING: The parties in this action are provided with a link to General Order 2013-1 and the USDC Short Trial Rules on the Court's website - www.nvd.uscourts.gov. If the parties agree that this action can be ready for trial within 180 days and that a trial of this matter would take 3 days or less, the parties should consider participation in the USDC Short Trial Program. If the parties wish to be considered for entry into the Court's Short Trial Program, they should execute and electronically file with USDC Short Trial Form 4(a)(1) or Form 4(a)(2). (no image attached) (KW) (Entered: 09/06/2018)</p>

09/07/2018	100	STIPULATION FOR EXTENSION OF TIME (First Request) re 96 Motion to Dismiss by Plaintiff Deutsche Bank National Trust Company. (Combs, Jamie) (Entered: 09/07/2018)
09/07/2018	101	RESPONSE to 96 Motion to Dismiss by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 9/14/2018. (Attachments: # 1 Exhibit A) (Gilbert, Jacqueline) (Entered: 09/07/2018)
09/10/2018	102	ORDER granting ECF No. 100 Stipulation to Extend Time to Respond ECF No. 96 Motion to Dismiss. Response due by 10/22/2018 . Signed by Judge Miranda M. Du on 9/10/2018. (Copies have been distributed pursuant to the NEF - KW) (Entered: 09/10/2018)
10/17/2018	103	Interim STATUS REPORT (<i>Joint</i>) by Plaintiff Deutsche Bank National Trust Company. (Wittig, Donna) (Entered: 10/17/2018)
10/19/2018	104	NOTICE of Appearance by attorney Donna M. Wittig on behalf of Plaintiff Deutsche Bank National Trust Company. (Wittig, Donna) (Entered: 10/19/2018)
10/23/2018	105	STIPULATION of Dismissal <i>as to Independence II Homeowners' Association and Agreed Order of Partial Judgment</i> by Plaintiff Deutsche Bank National Trust Company. (Wittig, Donna) (Entered: 10/23/2018)
10/24/2018	106	ORDER granting ECF No. 105 Stipulation to Dismiss as to Independence II Homeowners' Association and Agreed Order of Partial Judgment. Signed by Judge Miranda M. Du on 10/24/2018. (Copies have been distributed pursuant to the NEF - LH) (Entered: 10/24/2018)
01/07/2019	107	MOTION for Summary Judgment by Plaintiff Deutsche Bank National Trust Company. Responses due by 1/28/2019. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M) (Wittig, Donna) (Entered: 01/07/2019)
01/07/2019	108	MOTION for Summary Judgment by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Responses due by 1/28/2019. (Attachments: # 1 Exhibit A - Declaration of Diana S. Ebron, Esq., # 2 Exhibit A-1 - Excerpts of Declaration of Covenants, Conditions and Restrictions for Independence II, # 3 Exhibit A-2 - First Amendment to Declaration of Covenants, Conditions and Restrictions for Independence II, # 4 Exhibit A-3 - Grant, Bargain and Sale Deed, # 5 Exhibit A-4 - Quitclaim Deed, # 6 Exhibit A-5 - Quitclaim Deed, # 7 Exhibit A-6 - Grant Deed, # 8 Exhibit A-7 - Deed of Trust, # 9 Exhibit A-8 - Notice of Default and Election to Sell Under Deed of Trust, # 10 Exhibit A-9 - Substitution of Trustee Nevada, # 11 Exhibit A-10 - Affidavit - Termination of Joint Tenant, # 12 Exhibit A-11 - Excerpts of the Deutsche Banks First Supplemental Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), # 13 Exhibit A-12 - Notice of Delinquent Assessment Lien, # 14 Exhibit A-13 - Release of Notice of Delinquent Assessment Lien, # 15 Exhibit A-14 - Notice of Delinquent Assessment Lien, # 16 Exhibit A-15 - Deutsche Banks responses to SFRs Requests for Admissions, # 17 Exhibit A-16 - Notice of Default and Election to Sell Under Homeowners Association Lien, # 18 Exhibit A-17 - Excerpts of the transcript of November 8, 2018 deposition of Sherry Benight, Rule 30(b)(6) witness for Deutsche Bank, # 19 Exhibit A-18 - Excerpts of the Deutsche Banks Third Supplemental Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), # 20 Exhibit A-19 - Excerpts of the Deutsche Banks Fourth Supplemental Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), # 21 Exhibit A-20 - Deutsche Banks responses to SFRs Interrogatories, # 22 Exhibit A-21 - Assignment of Deed of Trust, # 23 Exhibit A-22 - Notice of Foreclosure Sale, # 24

		Exhibit A-23 - Substitution of Trustee, # 25 Exhibit A-24 - Assignment of Deed of Trust, # 26 Exhibit A-25 - Notice of Foreclosure Sale, # 27 Exhibit A-26 - Notice of Lis Pendens, # 28 Exhibit A-27 - Notice of Lis Pendens, # 29 Exhibit A-28 - Excerpts of the transcript of the October 19, 2018 deposition of Susan Moses, Rule 30(b)(6) witness for Nevada Association Services, Inc., # 30 Exhibit B - Declaration of Christopher Hardin, # 31 Exhibit B-1 - Check and Related Documents, # 32 Exhibit B-2 - Foreclosure Deed) (Ebron, Diana) (Entered: 01/07/2019)
01/28/2019	109	RESPONSE to 108 Motion for Summary Judgment, by Plaintiff Deutsche Bank National Trust Company. Replies due by 2/11/2019. (Wittig, Donna) (Entered: 01/28/2019)
01/28/2019	110	RESPONSE to 107 Motion for Summary Judgment, by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Replies due by 2/11/2019. (Attachments: # 1 Exhibit 1 - Declaration of Diana S. Ebron, Esq., # 2 Exhibit 1-A - Office of Inspector General, Department of Housing & Urban Development, Memorandum No. 2012-CH-1803, # 3 Exhibit 1-B - June 15, 2016 Deposition Transcript of Diane Deloney, # 4 Exhibit 1-C - October 21, 2015 Deposition Testimony of Jessica Woodbridge, # 5 Exhibit 1-D - Discharge of Assignment, # 6 Exhibit 1-E - April 5, 2016 Deposition Testimony of Katherine Ortwerth, # 7 Exhibit 1-F - August 2, 2016 Deposition Testimony of Keith Kovalic, # 8 Exhibit 1-G - November 8, 2017 Order, Ditech Financial LLC v. SFR, et al., USDC Case No. 2:16-cv-00127-GMN-NJK, ECF No. 98, and related motion, ECF No. 93, # 9 Exhibit 1-H - Excerpts of transcript of December 18, 2015 deposition testimony of Paulina Kelso, Rule 30(b)(6) witness for SFR Investments Pool 1, LLC, # 10 Exhibit 1-I - Deutsche Banks Responses to SFRs Interrogatories, # 11 Exhibit 1-J - Bank of America N.A.s First Supplement to Initial Disclosures of Witnesses and Documents Pursuant to Fed. R. Civ. P. 26(A)(1), Bank of America N.A. v. SFR Investments Pool 1, LLC, et al., U.S. District Court, District of Nevada, Case No. 2:15-cv-01771-APG-NJK, # 12 Exhibit 1-K - Excerpts of Bank of America, N.A.s Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1, Bank of America N.A. v. Desert Pine Villas Homeowners Association, et al., U.S. District Court, District of Nevada, Case No. 2:16-cv-00725-JCM-NJK, # 13 Exhibit 1-L - Excerpts of Bank of New York Mellons Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1, Bank of New York Mellon v. Glen Eagles Homeowner Association, Inc., et al., U.S. District Court, District of Nevada, Case No. 2:16-cv-00607-APG-NJK, # 14 Exhibit 1-M - Bank of America, N.A.s First Supplement to Initial Disclosure of Witnesses and Documents Pursuant to Fed. R. Civ. P. 26(f), Bank of America, N.A. v. SFR Investments Pool 1, LLC, et al., U.S. District Court, District of Nevada, Case No. 2:15-cv-01042-APG-GWF, # 15 Exhibit 1-N - Excerpts of Bank of America, N.A.s Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1, Bank of America, N.A. v. The Willows Homeowners Association, et al., U.S. District Court, District of Nevada, Case No. 2:16-cv-00351-RFB-NJK, # 16 Exhibit 1-O - Excerpts of Bank of New York Mellon Corporations Supplement to Initial Disclosures Pursuant to NRCP 16.1, SFR Investments Pool 1, LLC v. The Bank of New York Mellon Corporation, et al., District Court, Clark County, Nevada, Case No. A-14-701585-C) (Ebron, Diana) (Entered: 01/28/2019)
02/08/2019	111	STIPULATION FOR EXTENSION OF TIME (First Request) to Extend the Parties' Deadlines to File their Replies Supporting their Motions for Summary Judgment re 107 Motion for Summary Judgment, 108 Motion for Summary Judgment, by Plaintiff Deutsche Bank National Trust Company. (Wittig, Donna) (Entered: 02/08/2019)

02/11/2019	112	ORDER granting ECF No. 111 Stipulation To Extend Time re ECF Nos. 107 and 108 Motions for Summary Judgment (First Request): Replies due by 2/25/2019 . Signed by Judge Miranda M. Du on 2/11/2019. (Copies have been distributed pursuant to the NEF - LH) (Entered: 02/11/2019)
02/25/2019	113	REPLY to Response to 107 Motion for Summary Judgment, by Plaintiff Deutsche Bank National Trust Company. (Attachments: # 1 Exhibit A) (Wittig, Donna) (Entered: 02/25/2019)
02/25/2019	114	REPLY to Response to 108 Motion for Summary Judgment,,,,,, by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. (Ebron, Diana) (Entered: 02/25/2019)
03/18/2019	115	ORDER that Plaintiff's Complaint (ECF No. 1) is dismissed without prejudice for lack of subject matter jurisdiction; Plaintiff's motion for summary judgment (ECF No. 107) is denied as moot; SFR's motion for summary judgment (ECF No. 108) is denied as moot; Clerk directed to close this case. Signed by Judge Miranda M. Du on 3/18/2019. (Copies have been distributed pursuant to the NEF - LH) (Entered: 03/18/2019)
04/01/2019	116	BILL OF COSTS by Defendant SFR Investments Pool 1, LLC, Cross Claimant SFR Investments Pool 1, LLC, Counter Claimant SFR Investments Pool 1, LLC. Objection to Bill of Costs due by 4/15/2019. Tax Bill of Costs by 4/22/2019. (Attachments: # 1 Exhibit Exhibit 1) (Hanks, Karen) (Entered: 04/01/2019)
05/06/2019	117	COSTS TAXED in the amount of \$ \$1,773.30 against Deutsche Bank re ECF No. 116 Bill of Costs. No objections filed. (LH) (Entered: 05/06/2019)
08/05/2019	118	ORDER to Release Bond. Signed by Judge Miranda M. Du on 8/5/2019. (Copies have been distributed pursuant to the NEF - KR) (Entered: 08/12/2019)

PACER Service Center			
Transaction Receipt			
07/03/2025 07:44:07			
PACER Login:	rlp98007	Client Code:	
Description:	Docket Report	Search Criteria:	2:16-cv-00536-MMD-GWF
Billable Pages:	15	Cost:	1.50

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF IMPAC
SECURED ASSETS CORP, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2007-1,

Case No. 2:16-cv-00536-MMD-GWF
ORDER

Plaintiff,

v.

INDEPENDENCE II HOMEOWNERS'
ASSOCIATION; SFR INVESTMENTS
POOL 1, LLC; and NEVADA
ASSOCIATION SERVICES,

Defendants.

SFR INVESTMENTS POOL 1, LLC,

Counter/Cross Claimant,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
CERTIFICATEHOLDRES OF IMPAC
SECURED ASSETS CORP, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2007-01; and CAROLINA
OSPINA MEDINA,

Counter/Cross Defendants.

I. SUMMARY

This dispute arises from the foreclosure sale of property to satisfy a homeowners' association lien. Before the Court are Plaintiff Deutsche Bank National Trust Company ("Deutsche Bank") as Trustee for the Certificateholders of IMPAC Secured Assets Corp, Mortgage Pass-Through Certificates, Series 2007-1's motion for summary judgment (ECF

1 No. 107) and Defendant SFR Investments Pool 1, LLC's ("SFR") motion for summary
 2 judgment (ECF No. 108). The Court has reviewed the parties' responses (ECF Nos. 109,
 3 110) and replies (ECF Nos. 113, 114). For the following reasons, the Court dismisses the
 4 Complaint for lack of subject matter jurisdiction.

5 **II. BACKGROUND**

6 The following facts are undisputed unless otherwise indicated.

7 Dora Ardolino and Carolina Ospina Medina ("Borrowers") purchased real property
 8 ("Property") located within Independence II Homeowners' Association ("HOA") on
 9 December 11, 2006. (ECF No. 107-1 at 3-4, 22-24.) The Borrowers financed the purchase
 10 with a \$263,150 loan ("Loan") evidenced by a note ("Note") and secured by a first deed of
 11 trust ("DOT"). (*Id.* at 3-4.) The DOT names Mortgage Electronic Registration Systems, Inc.
 12 ("MERS") as the nominee beneficiary. (*Id.* at 4.)

13 Plaintiff asserts that MERS assigned the DOT to Plaintiff on February 16, 2012
 14 ("2012 Assignment"). (ECF No. 107 at 2 (citing ECF No. 107-2 at 2-3 (2012 Assignment)).)
 15 This is the only assignment that Plaintiff attached to its motion for summary judgment.
 16 SFR asserts that Plaintiff is not the beneficiary of the DOT and that the 2012 Assignment
 17 is invalid based on another assignment dated April 14, 2011 ("2011 Assignment") that
 18 Plaintiff did not attach to its motion. (ECF No. 110 at 2-4, 10-14; ECF No. 108-22 at 2
 19 (2011 Assignment).)

20 The Borrowers failed to pay HOA assessments, and the HOA eventually foreclosed
 21 on the Property, presumably extinguishing the DOT. (ECF No. 107-7 at 2-4.)

22 Deutsche Bank filed the Complaint on March 10, 2016, asserting the following
 23 claims: (1) quiet title/declaratory judgment against all Defendants; (2) breach of NRS §
 24 116.1113 against the HOA and Nevada Association Services, Inc. ("NAS"); (3) wrongful
 25 foreclosure against the HOA and NAS; and (4) injunctive relief against SFR. (ECF No. 1
 26 at 6-12.) SFR asserts counterclaims for declaratory relief/quiet title and injunctive relief.
 27 (ECF No. 20 at 14-15.)

28 ///

1 **III. DISCUSSION**

2 SFR challenges Plaintiff's Article III standing and prudential standing, arguing that
 3 Plaintiff is not the current beneficiary of the DOT. (ECF No. 110 at 2-4, 10-14.)

4 “Article III of the Constitution limits federal-court jurisdiction to ‘Cases’ and
 5 ‘Controversies.’” *Massachusetts v. EPA*, 549 U.S. 497, 516 (2007). “To satisfy Article III’s
 6 standing requirements, a plaintiff must show (1) it has suffered an ‘injury in fact’ that is (a)
 7 concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2)
 8 the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely,
 9 as opposed to merely speculative, that the injury will be redressed by a favorable
 10 decision.” *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC) Inc.*, 528 U.S. 167, 180-
 11 81 (2000) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)). The party
 12 invoking federal jurisdiction bears the burden of establishing these elements. *FW/PBS,*
 13 *Inc. v. City of Dallas*, 493 U.S. 215, 231 (1990).

14 Prudential standing “encompasses the general prohibition on a litigant’s raising
 15 another person’s legal rights, the rule barring adjudication of generalized grievances more
 16 appropriately addressed in representative branches, and the requirement that a plaintiff’s
 17 complaint fall within the zone of interests protected by the law invoked.” *Freedom Mortg.*
 18 *Corp. v. Las Vegas Dev. Grp., LLC*, 106 F. Supp. 3d 1174, 1179 (D. Nev. 2015) (quoting
 19 *United States v. Lazarenko*, 476 F.3d 642, 649-50 (9th Cir. 2007)). “The question of
 20 prudential standing is often resolved by the nature and source of the claim. Essentially,
 21 the standing question in such cases is whether the [statute] on which the claim [relies]
 22 properly can be understood as granting persons in the plaintiff’s position a right to judicial
 23 relief.” *Id.* (quoting *The Wilderness Soc’y v. Kane County*, 632 F.3d 1162, 1169 (10th Cir.
 24 2011)).

25 SFR bases its argument on the 2011 Assignment and 2012 Assignment. (See ECF
 26 No. 110 at 2-4, 10-14.) At first glance, both assignments seem to name Deutsche Bank
 27 as the assignee, but SFR asserts this is not the case. In the 2011 Assignment, MERS
 28 assigned the DOT to “Deutsche Bank National Trust Company, as Trustee under the

1 *Pooling and Servicing Agreement Relating to IMPAC Secured Assets Corp., Mortgage*
 2 *Pass-Through Certificates, Series 2007-1” (ECF No. 108-22 at 2 (emphasis added)). In*
 3 *the 2012 Assignment, MERS assigned the DOT to “Deutsche Bank National Trust*
 4 *Company as Trustee for the Certificateholders of IMPAC Secured Assets Corp., Mortgage*
 5 *Pass-Through Certificates, Series 2007-1” (ECF No. 108-25 at 2 (emphasis added)). SFR*
 6 *contends that the first assignee is a different entity than the second assignee. (ECF No.*
 7 *110 at 3-4.) SFR also argues that the 2012 Assignment must be invalid because MERS*
 8 *had already transferred its interest in the 2011 Assignment. (*Id.*)*

9 Plaintiff suggests that both assignments refer to Deutsche Bank. (See ECF No. 113
 10 at 3.) This is true, but both assignments also refer to different trusts. And Plaintiff produces
 11 no evidence to support its contention that “Deutsche Bank National Trust Company, as
 12 Trustee under the Pooling and Servicing Agreement Relating to IMPAC Secured Assets
 13 Corp., Mortgage Pass-Through Certificates, Series 2007-1” is the same legal entity as
 14 “Deutsche Bank National Trust Company as Trustee for the Certificateholders of IMPAC
 15 Secured Assets Corp., Mortgage Pass-Through Certificates, Series 2007-1,” the latter of
 16 which is how Plaintiff identified itself in the Complaint. (See *id.*; ECF No. 1 at 1.) Plaintiff
 17 may be the trustee for both trust entities and can sue on behalf of both trusts, but Plaintiff
 18 offers no evidence to show that the two trusts—bearing two similar but not identical
 19 names—are one and the same trust. It is only through a trustee that either of these trusts
 20 (assuming they are different) could take any action to enforce the DOT. See *Mathis v. Cty.*
 21 *of Lyon*, No. 2:07-cv-00628-APG-GWF, 2014 WL 1413608, at *2 (D. Nev. Apr. 11, 2014),
 22 *aff’d*, 591 F. App’x 635 (9th Cir. 2015) (“A trust . . . is not a natural person capable of taking
 23 action on its own behalf.”).

24 “To have standing to assert a quiet title claim, a plaintiff must have a current claim
 25 to the land in dispute.” *GMAT Legal Title Tr. v. Fitchner*, No. 3:15-cv-00044-HDM-WGC,
 26 2015 WL 7312881, at *3 (D. Nev. Nov. 19, 2015) (citing *Daly v. Lahontan Mines Co.*, 151
 27 P. 514, 516 (Nev. 1915), *aff’d on reh’g*, 158 P. 285 (1916)). Plaintiff asserts that it acquired
 28 title when it was assigned the DOT from MERS in the 2012 Assignment (ECF No. 107 at

1 2), but Plaintiff has produced no evidence to rebut SFR's evidence that MERS had no
2 interest in the DOT to transfer in the 2012 Assignment. In addition, Plaintiff has not
3 produced evidence to substantiate its implication that the 2011 Assignment transferred
4 the DOT to Deutsche Bank, as trustee of the trust on whose behalf Plaintiff is bringing this
5 action. (See ECF No. 113 at 3.) If Plaintiff was not the beneficiary of the DOT that was
6 allegedly extinguished in the foreclosure sale, then Plaintiff did not suffer any injury and is
7 not the proper party to bring this lawsuit. Accordingly, the Court dismisses the Complaint
8 without prejudice for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3) ("If the
9 court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss
10 the action.").

11 **IV. CONCLUSION**

12 The Court notes that the parties made several arguments and cited to several cases
13 not discussed above. The Court has reviewed these arguments and cases and determines
14 that they do not warrant discussion as they do not affect the outcome of the motions before
15 the Court.

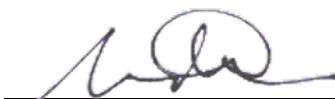
16 It is therefore ordered that Plaintiff's Complaint (ECF No. 1) is dismissed without
17 prejudice for lack of subject matter jurisdiction.

18 It is further ordered that Plaintiff's motion for summary judgment (ECF No. 107) is
19 denied as moot.

20 It is further ordered that SFR's motion for summary judgment (ECF No. 108) is
21 denied as moot.

22 It is further ordered that the Clerk of the Court close this case.

23 DATED THIS 18th day of March 2019.

24
25 
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
28